



**RONALD D. WEISS, P.C.  
ATTORNEYS AT LAW**

445 Broadhollow Road, Suite CL-10, Melville, New York 11747

phone: (631)271-3737 • fax: (631)271-3784

email: weiss@fresh-start.com

July 15, 2024

Honorable Alan S. Trust  
Chief United States Bankruptcy Judge  
Alfonse M. D'Amato U.S. Courthouse  
290 Federal Plaza  
Central Islip, NY 11722

Re: In re Corey S. Ribotsky  
Chapter 7, Case No. 23-70583-ast

Dear Chief Judge Trust:

On July 12, 2024, Corey S. Ribotsky retained this firm under a new retainer for the limited purpose of the matter discussed below. As the Court is aware, the Securities and Exchange Commission and Debtor have both filed motions for summary judgment with respect to whether certain debt is dischargeable, which motions are *sub judice* before Your Honor.

We write today, however, to advise the Court that on June 28, 2024, the United States Supreme Court issued the opinion styled *Loper Bright Enterprises, Et Al v. Raimondo, Secretary of Commerce, Et Al.*, 603 U.S. \_\_\_ (2024) (22-541). Loper stands for the proposition that only a trial court has the authority to determine what agency laws require of the parties. Loper further overturns the proposition under *Chevron U.S.A. Inc. v Natural Resources Defense Council Inc.*, 467 U.S. 837 (1984) which placed upon the trial court the obligation to give great deference to government agencies as to what the respective law means and whether that law was violated.

We believe that the *Loper* case has great bearing on the matters before Your Honor. The Southern District of New York, Southern District of New York was never given the opportunity to determine whether Debtor violated securities laws. As a result, the collateral attack by the SEC for the non-dischargeability of the debt is fatally flawed at its foundation.

Thus, we write to respectfully request that Your Honor give us the opportunity to file a supplemental brief for the limited purpose of addressing *Loper* and the impact of such decision on the matters presently before the Court.

If you should have any questions or concerns, please do not hesitate to contact us. Thank you.

Very Truly Yours,  
Ronald D. Weiss, P.C.

Cc: Neal Jacobson, Esq.  
All ECF participants